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Message Text

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21
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TO SECSTATE WASHDC 666

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E.O. 11652: N/A
TAGS: CVIS, CSCE, PFOR, CZ
SUBJECT: DIVIDED FAMILIES (POLASEK, DANIELA)

1. CZECHOSLOVAK MINISTRY OF FOREIGN AFFAIRS HAS RESPONDED TO A REQUEST FOR RECONSIDERATION OF A DIVIDED FAMILY CASE IN TERMS WHICH EMBASSY FEELS WARRANT STRONG REBUTTAL. MINISTRY NOTE READS:

BEGIN QUOTE:

THE FEDERAL MINISTRY OF FOREIGN AFFAIRS...
HAS THE HONOUR TO INFORM THE EMBASSY THAT THE LAST REQUEST OF MRS. DANIELA POLASKOVA AND HER DAUGHTER PETRA TO BE ALLOWED TO JOIN MR. PETER POLASEK IN THE UNITED STATES HAS BEEN FINALLY REFUSED ON SEPTEMBER 11, 1975.

TO THE ABOVE MENTIONED CASE THE MINISTRY WANTS TO ADD, THAT THE CZECHOSLOVAK SOCIALIST REPUBLIC IS INTERESTED IN THE REUNIFICATION OF FAMILIES ABOVE ALL ON THE TERRITORY OF THE CSSR. END QUOTE.

2. EMBASSY SUGGESTS RESPONDING BY DIPLOMATIC NOTE ALONG THE FOLLOWING LINES, BUT BECAUSE LANGUAGE OF CSCE FINAL ACT AND IMPLICIT INTERPRETATION THEREOF ARE INVOLVED, REQUESTS DEPARTMENT'S CONCURRENCE:

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BEGIN QUOTE:

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THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS
ITS COMPLIMENTS TO THE FEDERAL MINISTRY OF FOREIGN AFFAIRS
AND, WITH REFERENCE TO THE MINISTRY'S NOTE NO. 318. 668/76-KO/1
OF JULY 13, 1976, HAS THE HONOR TO POINT OUT THAT WHILE THE
CZECHOSLOVAK SOCIALIST REPUBLIC MAY BE INTERESTED IN
"THE REUNIFICATION OF FAMILIES ABOVE ALL ON THE TERRITORY OF THE
CSSR" THE POLASEK FAMILY DOES NOT DESIRE REUNIFICATION ON THESE
TERMS, AS THE MINISTRY WELL KNOWS.

IN THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION
IN EUROPE SIGNED IN HELSINKI LESS THAN ONE YEAR AGO, NO MENTION
WAS MADE OF THE TERRITORY ON WHICH SUCH REUNIFICATION SHOULD
TAKE PLACE. RATHER, THE PARTIES AFFIRMED "THE IMPORTANCE THEY
ATTACH TO HUMANITARIAN CONSIDERATIONS.
THEY AGREED TO "DEAL IN A POSITIVE AND HUMANITARIAN SPIRIT
WITH THE APPLICATIONS OF PERSONS WHO WISH TO BE REUNITED WITH
MEMBERS OF THEIR FAMILY." IN ADDITION THEY AGREED THAT
"APPLICATIONS FOR THE PURPOSE OF FAMILY REUNIFICATION WHICH
ARE NOT GRANTED MAY BE RENEWED AT THE APPROPRIATE LEVEL AND
WILL BE RECONSIDERED AT REASONABLY SHORT INTERVALS BY THE
AUTHORITIES OF THE COUNTRY OF RESIDENCE OR DESTINATION, WHICH
IS CONCERNED; UNDER SUCH CIRCUMSTANCES FEES WILL BE CHARGED
ONLY WHEN APPLICATIONS ARE GRANTED."

IN VIEW OF THE ABOVE-QUOTED PORTION OF PARAGRAPH 1(B)
OF THE HUMAN CONTACTS SECTION OF THE HELSINKI FINAL ACT, THE
EMBASSY OBJECTS TO PARAGRAPH 1 OF THE MINSTRY'S NOTE
NO. 318.668/76-KO/1, WHERE IT IS STATED THAT MRS. POLASKOVA'S
REQUEST HAS BEEN "FINALLY REFUSED" ON SEPTEMBER 11, 1975.
FURTHERMORE, THE EMBASSY WISHES TO POINT OUT THAT MRS. POLASKOVA'S
LAST REQUEST FOR REUNIFICATION WITH HER HUSBAND IN THE UNITED
STATES WAS DENIED ON MARCH 28, 1976.

THE EMBASSY AGAIN REQUESTS A RECONSIDERATION OF THE CASE.

THE EMBASSY OF THE UNITED STATES OF AMERICA AVAILS ITSELF
ETC. . . END QUOTE.

3. POLASEK CASE HAS BEEN SUBJECT OF MUCH CORRESPONDENCE
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WITH THE CZECHOSLOVAK DESK AND WITH SENATORS SPARKMAN
AND GRIFFIN. CASE PENDING SINCE FEBRUARY, 1975.
BYRNE

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